B 1 (Official Form Case 09-17490 Doc 1 Filed 05/14/09 Entered 05/14/09 14:44:03 Desc Main Page 1 of 9 United States Bankruptcy Concument **Voluntary Petition** Northern District of Illinois Name of Joint Debtor (Spouse) (Last, First, Middle): Name of Debtor (if individual, enter Last, First, Middle): Viverito, Frank M. All Other Names used by the Debtor in the last 8 years All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): N/A Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): N/A (if more than one, state all): \*\*\*-\*\*-2162 Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 1107 Kingsport Drive N/A Wheeling, IL ZIP CODE 60090 ZIP CODE N/A County of Residence or of the Principal Place of Business: N/A County of Residence or of the Principal Place of Business: Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): N/A Same ZIP CODE Same ZIP CODEN/A Location of Principal Assets of Business Debtor (if different from street address above): Same ZIP CODE Same Type of Debtor Nature of Business Chapter of Bankruptcy Code Under Which (Form of Organization) (Check one box.) the Petition is Filed (Check one box.) (Check **one** box.) Health Care Business ✓ Chapter 7 Chapter 15 Petition for Individual (includes Joint Debtors) Single Asset Real Estate as defined in Chapter 9 Recognition of a Foreign See Exhibit D on page 2 of this form. 11 U.S.C. § 101(51B) Chapter 11 Main Proceeding Chapter 15 Petition for Corporation (includes LLC and LLP) Railroad Chapter 12 Chapter 13 Recognition of a Foreign Partnership Stockbroker Commodity Broker Other (If debtor is not one of the above entities, Nonmain Proceeding check this box and state type of entity below.) Clearing Bank Other **Nature of Debts** (Check one box.) Tax-Exempt Entity (Check box, if applicable.) ☐ Debts are primarily consumer **✓** Debts are primarily debts, defined in 11 U.S.C. business debts Debtor is a tax-exempt organization § 101(8) as "incurred by an under Title 26 of the United States individual primarily for a Code (the Internal Revenue Code). personal, family, or household purpose." Filing Fee (Check one box.) **Chapter 11 Debtors** Check one box: Full Filing Fee attached. Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (applicable to individuals only). Must attach Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to Filing Fee waiver requested (applicable to chapter 7 individuals only). Must insiders or affiliates) are less than \$2,190,000. attach signed application for the court's consideration. See Official Form 3B. Check all applicable boxes: A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors.  $\mathbf{V}$ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. Estimated Number of Creditors  $\mathbf{V}$ 1-49 50-99 100-199 200-999 1,000-5.001-10,001-25,001-50,001-Over 5,000 10,000 25,000 50,000 100,000 100,000 Estimated Assets П ┰ П \$50,001 to \$100,001 to \$500,001 \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$500,000,001 More than \$0 to \$50,000 \$100,000 \$500,000 to \$1 to \$10 to \$50 to \$100 to \$500 to \$1 billion \$1 billion million million million million million Estimated Liabilities lacksquare\$50,001 to \$100,001 to \$500,001 \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$500,000,001 More than \$0 to \$50,000 \$100,000 \$500,000 to \$1 to \$10 to \$50 to \$100 to \$500 \$1 billion to \$1 billion million million million million million

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Voluntary Petitie (This page must b	on Document be completed and filed in every case.)	Rage 2: 10f (9: Viverito, Frank M.	
	All Prior Bankruptcy Cases Filed Within Last 8 Y	ears (If more than two, attach additional sheet.)	I
Location Where Filed: N	/A	Case Number: N/A	Date Filed: <b>N/A</b>
Location Where Filed: N	/A	Case Number: N/A	Date Filed: N/A
Name of Debtor:	Pending Bankruptcy Case Filed by any Spouse, Partner, or Affil	iate of this Debtor (If more than one, attach add	
District	N/A	Case Number: N/A	Date Filed: N/A
District:	Northern District of Illinois	Relationship: N/A	Judge: N/A
10Q) with the Se	Exhibit A  d if debtor is required to file periodic reports (e.g., forms 10K and curities and Exchange Commission pursuant to Section 13 or 15(d) Exchange Act of 1934 and is requesting relief under chapter 11.)	In the attorney for the petitioner named in the have informed the petitioner that [he or she] 12, or 13 of title 11, United States Code available under each such chapter. I further debtor the notice required by 11 U.S.C. § 342	e foregoing petition, declare that I may proceed under chapter 7, 11, and have explained the relief certify that I have delivered to the
Exhibit A	is attached and made a part of this petition.	x	
			Date)
	Exhibit	C	
Does the debtor of	own or have possession of any property that poses or is alleged to pose	a threat of imminent and identifiable harm to pu	iblic health or safety?
☐ Yes, and E	xhibit C is attached and made a part of this petition.		
✓ No.			
110.			
☑ Exhib  If this is a joir	eted by every individual debtor. If a joint petition is filed it D completed and signed by the debtor is attached and at petition:  it D also completed and signed by the joint debtor is atta	made a part of this petition.	ch a separate Exhibit D.)
Ø	Information Regarding to (Check any applied to the best of the least o	cable box.) f business, or principal assets in this District for	180 days immediately
	preceding the date of this petition or for a longer part of such 180 day.  There is a bankruptcy case concerning debtor's affiliate, general part	•	
	Debtor is a debtor in a foreign proceeding and has its principal place has no principal place of business or assets in the United States but it this District, or the interests of the parties will be served in regard to	e of business or principal assets in the United St is a defendant in an action or proceeding [in a fe	
	Certification by a Debtor Who Resides a (Check all applica		
	Landlord has a judgment against the debtor for possession of debt	or's residence. (If box checked, complete the fo	ollowing.)
		(Name of landlord that obtained judgment)	
		(Address of landlord)	
	Debtor claims that under applicable nonbankruptcy law, there are entire monetary default that gave rise to the judgment for possessi	circumstances under which the debtor would be	
	Debtor has included with this petition the deposit with the court of filing of the petition.	f any rent that would become due during the 30-	day period after the
	Debtor certifies that he/she has served the Landlord with this certi	ification. (11 U.S.C. § 362(1)).	

Entered 05/14/09 14:44:03 Desc Main Case 09-17490 Doc 1 Filed 05/14/09 Page 3 of 9 Document B 1 (Official Form) 1 (1/08) Name of Debtor(s): **Voluntary Petition** Viverito, Frank M. (This page must be completed and filed in every case.) Signatures Signature(s) of Debtor(s) (Individual/Joint) Signature of a Foreign Representative I declare under penalty of perjury that the information provided in this petition is true I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 (Check only one box.) or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. ☐ I request relief in accordance with chapter 15 of title 11, United States Code. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I Certified copies of the documents required by 11 U.S.C. § 1515 are attached. have obtained and read the notice required by 11 U.S.C. § 342(b). Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the I request relief in accordance with the chapter of title 11, United States Code, chapter of title 11 specified in this petition. A certified copy of the specified in this petition. order granting recognition of the foreign main proceeding is attached. Х X Signature of Debtor (Signature of Foreign Representative) X Signature of Joint Debtor (Printed Name of Foreign Representative) Telephone Number (if not represented by attorney) 05/14/2009 Date Signature of Attorney\* Signature of Non-Attorney Bankruptcy Petition Preparer /s/ Dirk Van Beek I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as Signature of Attorney for Debtor(s) defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have Dirk Van Beek provided the debtor with a copy of this document and the notices and information Printed Name of Attorney for Debtor(s) required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or Dirk Van Beek guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum Firm Name 7220 West 194th Street fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor Address Tinley Park, Illinois 60487 or accepting any fee from the debtor, as required in that section. Official Form 19 is attached. (815) 806-2110 Printed Name and title, if any, of Bankruptcy Petition Preparer Telephone Number 05/14/2009 Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or \*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect. Address Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. Date The debtor requests the relief in accordance with the chapter of title 11, United States Code, specified in this petition. Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above. Signature of Authorized Individual Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an Printed Name of Authorized Individual individual. Title of Authorized Individual If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. Date A bankruptcy petition preparer's failure to comply with the provisions of title 11 and

the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or

both. 11 U.S.C. § 110; 18 U.S.C. § 156.

B 1D (Official Form 1, Exhibit D) (12/08)

### UNITED STATES BANKRUPTCY COURT

Northern District of Illinois

In re Viverito, Frank M.	Case No.
Debtor	(if known)

## EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- ☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

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B 1D (Official Form 1, Exh. D) (12/08) – Cont.	Page 2
□ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and following exigent circumstances merit a temporary waiver of the credit counseling requirem so I can file my bankruptcy case now. [Summarize exigent circumstances here.]	the
If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill the requirements may result in dismissal of your case. Any extension of the 30-day deadling can be granted only for cause and is limited to a maximum of 15 days. Your case may be dismissed if the court is not satisfied with your reasons for filing your bankruptcy cay without first receiving a credit counseling briefing.	a ese ie also
☐ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]	<b>!</b>
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of medillness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.); ☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); ☐ Active military duty in a military combat zone.	
☐ 5. The United States trustee or bankruptcy administrator has determined that the crounseling requirement of 11 U.S.C. § 109(h) does not apply in this district.	redit
I certify under penalty of perjury that the information provided above is true ar correct.	nd
Signature of Debtor:	
Date: <u>05/14/2009</u>	

<u>Certii</u>	FICATE OF COUNSELING
I CERTIFY that on	, at o'clock,
	received from
	U.S.C. § 111 to provide credit counseling in the
	, an individual [or group] briefing that complie
with the provisions of 11 U.S.C. §§	§ 109(h) and 111.
A debt repayment plan	If a debt repayment plan was prepared, a copy of
the debt repayment plan is attached	d to this certificate.
	acted
-	
Date:	By
	Name
	Title

In re	Official F67456F992107490 Viverito, Frank	M	Document	Page 7 of 9		
ın re _	Debtor	171.	,	Case No.	(if known)	

#### SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data..

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F. HUSBAND, WIFE, JOINT, OR COMMUNITY CREDITOR'S NAME. DATE CLAIM WAS AMOUNT OF UNLIQUIDATED CONTINGENT ODEBTOR **MAILING ADDRESS INCURRED AND CLAIM** DISPUTED CONSIDERATION FOR INCLUDING ZIP CODE, AND ACCOUNT NUMBER CLAIM. (See instructions above.) IF CLAIM IS SUBJECT TO SETOFF, SO STATE. ACCOUNT NO. Sabre Group LLC 123,000 120 West Madison Suite 918 Chicago, IL 60602 ACCOUNT NO. ACCOUNT NO. ACCOUNT NO. Subtotal➤ \$123,000 continuation sheets attached \$123,000 (Use only on last page of the completed Schedule F.) (Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)

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]	In re				Ca	ise No.		(i	f known)	
	SCHEDULE F - CI	RED	ITORS I	HOLDING (Continuat		ED N	NON	`	,	MS
	CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	CODEBTOR	HUSBAND, WIFE, JOINT, OR COMMUNITY	INCURI CONSIDER CL. IF CLAIM IS	LAIM WAS RED AND RATION FOR AIM. S SUBJECT TO SO STATE.	CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM	
•	ACCOUNT NO.									

Subtotal➤

(Use only on last page of the completed Schedule F.)
(Report also on Summary of Schedules and, if applicable on the Statistical
Summary of Certain Liabilities and Related Data.)

ACCOUNT NO.

ACCOUNT NO.

ACCOUNT NO.

ACCOUNT NO.

Nonpriority Claims

Sheet no.\_\_of\_\_ continuation sheets attached to Schedule of Creditors Holding Unsecured

36 Declaration ( <b>GfaS</b>	009-11-7490) (12000 1	Filed 05/14/09	Entered 05/14/09	14:44:03	Desc Main
		Document	Page 9 of 9		
In re	Viverito, Frank M.	,	Case No.		
	Debtor			(if known)	

## **DECLARATION CONCERNING DEBTOR'S SCHEDULES**

#### DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR

Date	05/14/2009	Signature: Debtor
Date		Signature:(Joint Debtor, if any)
		[If joint case, both spouses must sign.]
		TURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)
the debtor with a co	opy of this document and the notices a ant to 11 U.S.C. § 110(h) setting a ma	cruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provide and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); and, (3) if rules or guidelines have been eximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum ebtor or accepting any fee from the debtor, as required by that section.
Printed or Typed N	ame and Title, if any,	Social Security No.
of Bankruptcy Petit	ion Preparer	(Required by 11 U.S.C. § 110.)
If the bankruptcy pe who signs this docu		state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner
Address		
XSignature of Bank	runtcy Petition Preparer	Date .
XSignature of Bank	ruptcy Petition Preparer	Date
		Date  tals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:
Names and Social S	Security numbers of all other individu	
Names and Social S	Security numbers of all other individu	als who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual: additional signed sheets conforming to the appropriate Official Form for each person.
Names and Social S	Security numbers of all other individu	tals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:
Names and Social S  If more than one pe  A bankruptcy petition	Security numbers of all other individu	als who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual: additional signed sheets conforming to the appropriate Official Form for each person.
Names and Social S  If more than one pe  A bankruptcy petition 18 U.S.C. § 156.	Security numbers of all other individurs on prepared this document, attach in preparer's failure to comply with the presence	als who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual: additional signed sheets conforming to the appropriate Official Form for each person.
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Names and Social S  If more than one pe  A bankruptcy petition 18 U.S.C. § 156.  D  I, the  partnership ] of the	Security numbers of all other individual treson prepared this document, attach in preparer's failure to comply with the present the preparer's failure to comply with the preparer's failu	als who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:  additional signed sheets conforming to the appropriate Official Form for each person.  rovisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110;  NALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP  [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have
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Names and Social S  If more than one pe  A bankruptcy petition 18 U.S.C. § 156.  D  I, the  partnership ] of the read the foregoing knowledge, inform	Security numbers of all other individual treson prepared this document, attach in preparer's failure to comply with the present the preparer's failure to comply with the preparer's failu	als who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:  additional signed sheets conforming to the appropriate Official Form for each person.  rovisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110;  NALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP  [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have g of sheets (Total shown on summary page plus 1), and that they are true and correct to the best of my
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Names and Social S  If more than one pe  A bankruptcy petition 18 U.S.C. § 156.  D  I, the  partnership ] of the read the foregoing knowledge, inform	Security numbers of all other individuals or son prepared this document, attach in preparer's failure to comply with the present of the preparer's failure to comply with the present of the preparer's failure to comply with	als who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:  additional signed sheets conforming to the appropriate Official Form for each person.  rovisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110;  NALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP  [the president or other officer or an authorized agent of the corporation or a member or an authorized agent of the [corporation or partnership] named as debtor in this case, declare under penalty of perjury that I have g of sheets (Total shown on summary page plus 1), and that they are true and correct to the best of my